

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FACULTY, ALUMNI, AND STUDENTS) No. 24 C 5558
OPPOSED TO RACIAL PREFERENCES)
(FASORP),)
Plaintiff,)
vs.)
NORTHWESTERN UNIVERSITY, et al.,) Chicago, Illinois
Defendants.) January 14, 2025
) 9:45 a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE SARA L. ELLIS

APPEARANCES:

For the Plaintiff: MITCHELL LAW PLLC
BY: MR. JONATHAN F. MITCHELL
111 Congress Avenue, Suite 400,
Austin, Texas 78701

STONE HAMILTON PLLC
BY: MR. ARI CUENIN
600 Congress Avenue, Suite 2350,
Austin, Texas 78701

For the Defendants: LATHAM & WATKINS LLP
BY: MR. JUDE VOLEK
555 Eleventh Street, NW, Suite 1000,
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PATRICK J. MULLEN
Official Court Reporter
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PROCEEDINGS REPORTED BY STENOTYPE
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1 (Proceedings in open court.)

2 THE CLERK: 24 CV 5558, Faculty, Alumni, and Students
3 Opposed to Racial Preferences versus Northwestern University,
4 et al.

5 MR. VOLEK: Good morning, Your Honor. This is Jude
6 Volek for the defendants.

7 MR. MITCHELL: Good morning, Your Honor. Jonathan
8 Mitchell for the plaintiffs.

9 THE COURT: All right. Good morning.

10 MR. CUENIN: Ari Cuenin from Stone Hilton also for
11 plaintiffs. Thank you.

12 THE REPORTER: I'm sorry. I didn't get that.

13 MR. McCANN: Ari Cuenin from Stone Hilton also for
14 the plaintiffs.

15 THE REPORTER: Thank you.

16 THE COURT: All right. So we're here on the
17 plaintiffs' motion for leave to file the second amended
18 complaint, and does that -- I saw the response. Do the
19 plaintiffs want to file a reply?

20 MR. MITCHELL: Yes, Your Honor, we're planning to
21 file a reply. I'm hoping to get it in today. We didn't
22 receive their response until 5:45 yesterday. So we've begun
23 to do the research, and I expect it to get it in today. If
24 Your Honor needs it sooner than that, please let us know.

25 THE COURT: Okay. All right. So I will allow you to

1 file a reply. Let's see. When are defendants -- so
2 defendants' reply for the motion to dismiss, it looks like
3 it's due on the 28th, right?

4 MR. VOLEK: Correct, Your Honor.

5 THE COURT: Okay. So this is how I think I'm going
6 to proceed. I'll have the plaintiffs file their reply in
7 support of their motion for leave to file the second amended
8 complaint, and you said you'd get that when?

9 MR. MITCHELL: I believe we can get it in today. I
10 don't expect it to take longer than that, but we want to get
11 it in today.

12 THE COURT: No. If you want, you can file your reply
13 tomorrow if you want till tomorrow.

14 MR. MITCHELL: We might take that, yeah. If it's
15 okay with Your Honor for us to file tomorrow, it would help us
16 to have the extra day for sure.

17 THE COURT: All right. Then I think what I'll do is
18 I'm going to go ahead and have the defendants keep working on
19 your reply and file it on the 28th. If I decide to allow the
20 plaintiffs to file the -- to add this count, I think I'd just
21 have the parties do supplemental briefing to dismiss that
22 additional count so that we're not reinventing the wheel.

23 So if you file your reply tomorrow on the 15th, I'm
24 going to set this over for a ruling. Why don't we set it over
25 to February 5th at 10:00 a.m. I'd like to see you in person

1 because I may want argument on this. Just looking at what's
2 been briefed so far, if I decide I'm just going to rule on the
3 papers, I'll let you know ahead of the 5th.

4 MR. VOLEK: Yes, Your Honor. Thank you.

5 THE COURT: Does that work for everybody?

6 MR. MITCHELL: Yes, Your Honor.

7 MR. VOLEK: Yes. Would you like --

8 MR. CUENIN: Yes, Your Honor.

9 MR. VOLEK: Your Honor, would you like us to submit a
10 proposed briefing schedule before that hearing on the 5th, or
11 should we wait until after Your Honor rules on the motion?

12 THE COURT: I guess I'm going to rule on the 5th, so
13 we can just tentatively set it now. If my ruling date is
14 April 29th on the motion to dismiss, if I could get
15 defendants' motion to dismiss that count by February 19th,
16 then plaintiffs' response by March 5th, and then defendants'
17 reply by March 12th, does that work?

18 MR. MITCHELL: Those work for the plaintiffs, Your
19 Honor, yeah.

20 MR. VOLEK: They work for defendants as well, Your
21 Honor. Thank you.

22 THE COURT: Okay. Anything else we need to take up?

23 MR. VOLEK: Yes, Your Honor. There's just one
24 additional matter that I wanted to raise rather than putting
25 it on the docket. As you noted, our reply on the original

1 motion to dismiss is due January 28th. We've consulted with
2 plaintiffs, and they consented to an extension of our page
3 limit by five pages.

4 THE COURT: Sure.

5 MR. VOLEK: We just wanted to raise that with you.

6 THE COURT: That's fine. How many pages?

7 MR. VOLEK: Five pages.

8 THE COURT: Oh, that's fine, yes. So your reply
9 brief then is 20 pages, and that's fine.

10 MR. VOLEK: Correct.

11 THE COURT: Okay. Anything else?

12 MR. VOLEK: Not from the defendants. Thank you, Your
13 Honor.

14 MR. MITCHELL: Nothing from the plaintiffs, Your
15 Honor, either. Thank you.

16 THE COURT: All right. Then we'll see you February
17 5th.

18 MR. VOLEK: Thank you, Your Honor.

19 MR. MITCHELL: Thank you.

20 (Proceedings concluded at 9:58 a.m.)

21 C E R T I F I C A T E

22 I certify that the foregoing is a correct transcript
23 from the record of proceedings in the above-entitled matter.

24 /s/ Patrick J. Mullen

April 13, 2025

25 _____
Patrick J Mullen
Official Court Reporter